

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MALIK BALLARD,

Plaintiff,

v.

THE CITY OF PHILADELPHIA et al.,  
Defendants.

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CIVIL ACTION  
NO. 14-4740

**ORDER**

AND NOW, this 26th day of October, 2015, upon consideration of Defendants' Motion for Summary Judgment and supporting Memorandum of Law, (Dkt No. 27), and Statement of Undisputed Material Facts, (Dkt No. 27-1), Plaintiff's Response to Defendants' Statement of Undisputed Material Fact, (Dkt No. 31), Memorandum of Law, (Dkt No. 31-3), and Statement of Additional Disputed Material Facts, (Dkt No. 31-2), Defendants' Response to Plaintiff's Statement of Additional Disputed Material Facts, (Dkt No. 33), and Defendants' Reply Memorandum of Law, (Dkt No. 37), it is hereby ORDERED that said Motion is GRANTED IN PART AND DENIED IN PART:

1. The Court GRANTS Defendants' Motion to dismiss all claims against the City of Philadelphia. All claims against the City of Philadelphia are hereby DISMISSED.
2. The Court DENIES Defendants' Motion to dismiss the claims against Det. Keppol and Det. Palumbo under 42 U.S.C. § 1983 for false imprisonment, false arrest, malicious prosecution, and under state law for false imprisonment.
3. All other claims, insofar as such claims are still pending, are hereby DISMISSED.

FURTHER, this case shall be REFERRED to the Honorable Lynne A. Sitarski, United States Magistrate Judge, for a settlement conference to occur no later than ninety (90) days from the date of this Order. The parties shall file a status update with the Court within seven (7) days from the date of the settlement conference.

FURTHER, should this matter fail to settle, this matter shall be ready to begin trial on April 19, 2016 at 9:30 AM EST. The parties shall comply with the following deadlines in preparation for trial:

1. On or before March 14, 2016, the parties shall file with the Court the following in preparation for trial:
  - a. PRETRIAL MEMORANDUM: Each party shall file a pretrial memorandum setting forth:
    - i. a brief statement of the nature of the case to be presented and the issues to be addressed;
    - ii. a list of all witnesses to appear at trial with a brief statement of the nature of each witness's anticipated testimony (witnesses not listed may not be called in a party's case in chief);
    - iii. a list of all exhibits to be offered at trial (pre-numbered and pre-exchanged among all counsel);
    - iv. a list of stipulations between the parties, and a list of disputed and undisputed facts (counsel shall make a conscientious effort to narrow the factual areas of dispute); and
    - v. an estimation as to the time for presentation of each party's case.
  - b. POINTS FOR CHARGE: After meeting and conferring, the parties shall *jointly submit* proposed points for charge upon which the parties have agreed, and shall individually submit any disputed points for charge accompanied by a reference to the single best authority supporting the disputed point.<sup>1</sup>
  - c. JURY VOIR DIRE AND VERDICT SHEET: After meeting and conferring, the parties shall *jointly submit* (i) proposed jury voir dire questions upon which the parties have agreed (each party shall individually submit proposed jury voir dire questions upon which the parties cannot agree); and (ii) a proposed jury verdict sheet if the parties have agreed upon one (the parties shall individually submit proposed jury verdict sheets if one has not been agreed upon).
2. Pre-trial motions shall be filed by March 14, 2016;
3. Responses to pre-trial motions shall be filed by March 28, 2016;

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<sup>1</sup> The parties may file supplemental proposed jury instructions after all the evidence has been presented at trial.

4. Final pre-trial conference shall be held on April 11, 2016 at 10:00AM EST;
5. Jury selection shall commence on April 19, 2016 at 9:30 AM EST.

BY THE COURT:

/s/ C. Darnell Jones, II

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C. Darnell Jones, II J.